

REMARKS

This application has been reviewed in light of the Office Action dated October 3, 2003. Claims 1, 2 and 4-36 are now pending in this application. Claim 3 has been cancelled without prejudice or disclaimer of the subject matter therein. Claims 1, 2 and 7 have been amended to define still more clearly what Applicants regard as their invention. Claims 24-40 have been added to provide Applicants with a more complete scope of protection. Claims 1, 2, 13, 14 and 24 are in independent form. Favorable reconsideration is requested.

Applicants gratefully acknowledge the allowance of Claims 13-23, and the indication that Claims 3 and 6-9 (which have been objected to) would be allowable if rewritten in independent form with no change in scope.

The Office Action rejected Claims 1, 2, 4, 5, and 10-12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,184, 610 (Shibata et al.).

Claims 1 and 2 have been amended to incorporate the features of Claim 3 therein. Because Claims 1 and 2 incorporate features (from Claim 3) conceded as being patentable in the Office Action, Claims 1 and 2 are deemed to be in condition for allowance.

Independent Claim 24 recites:

“An electron-emitting device comprising first and second carbon films which are disposed on a surface of a substrate with a first gap therebetween, and first and second electrodes having an electrical connection to the first and second carbon films, respectively, wherein each of the first and second carbon films has a first region including graphite (002) planes stacked in a direction approximately parallel to the surface of the substrate.”

It is respectfully submitted that nothing in Shibata et al. would teach or suggest an electron-emitting device having the above-quoted features of Claim 24.

Accordingly, Claim 24 is believed to be clearly patentable over that reference.

The other claims in this application are each dependent from one or another of the independent Claims 1, 2 or 24 discussed above and are therefore believed patentable for the same reasons as are those corresponding independent claims. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its merits is respectfully requested.

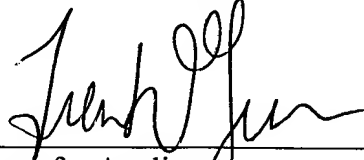
Accordingly, it is respectfully requested that the claims be allowed and that the case be passed to issue.

An Information Disclosure Statement will be filed shortly. If the Examiner takes this case up for action before receiving that paper, he is respectfully requested to contact the undersigned representative.

Furthermore, Applicants again request confirmation that the Examiner has considered the Information Disclosure Statement filed on December 4, 2001, since no initialed version of the Form PTO-1449 that was filed with that Information Disclosure Statement has been received yet in this application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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